

STEPHEN EIMERS, as Personal Representative)
of the Estate of HANNAH EIMERS, Deceased,)
)
Plaintiff,)
)
)
v.) Case No. _____
)
VALMONT INDUSTRIES, INC. a foreign)
corporation; VALMONT HIGHWAY, a foreign)
corporation; ARMORFLEX INTERNATIONAL)
LIMITED, a foreign corporation; LINDSAY)
CORPORATION, a foreign corporation;)
LINDSAY TRANSPORTATION SOLUTION)
SALES & SERVICE LLC, a foreign corporation;)
and REYNOLDS FENCE & GUARDRAIL,)
INC., a foreign corporation,)
)
Defendants.)

Case 1:19-cv-00044-TRM-SKL Document 1 Filed 02/15/19 Page 1 of 4 PageID #: 1

been served with process as of the filing of this Notice. To date, the only document on file with the state court is Plaintiff's Complaint, a true and accurate copy of which is attached as Exhibit 1. Thus, no return of service on any defendant has been filed in state court. Although pursuant to 28 U.S.C. §1446(b)(2)(A), no consent to removal is necessary from an unserved defendant, counsel for Lindsay has confirmed with counsel for Defendants Valmont Industries, Inc., Valmont Highway, and Armorflex International Limited and counsel for Defendant Reynolds Fence & Guardrail, Inc. that all of those defendants consent to removal of this action to this Court.²

2. On its face, the case stated by the Complaint is removable to this Court pursuant to 28 U.S.C. §1441, in that Plaintiff Stephen Eimers is a resident of Loudon County, Tennessee, and none of the defendants is organized under the laws of the State of Tennessee, nor has its principal place of business in the State of Tennessee. One defendant, LTSSS, is a limited liability company organized under the laws of the State of Nebraska with its principal place of business in Nebraska. The sole member of LTSSS is Lindsay Sales Holding Company, LLC, which is also organized under the laws of the State of Nebraska with its principal place of business in Nebraska. Lindsay Sales Holding Company, LLC's sole member is Lindsay Corporation, a corporation organized under the laws of the State of Delaware with its principal place of business in Nebraska.

3. The above-described action is a civil action of which this Court has original jurisdiction pursuant to the provisions of 28 U.S.C. §1332 and is one which may be removed to this Court by Lindsay pursuant to the provisions of 28 U.S.C. §1441, in that complete diversity of citizenship exists between the parties. In addition, Plaintiff is seeking damages in the amount

² Lindsay counsel communicated with counsel who represented these defendants in the original case filed by Mr. Eimers in 2017.

of \$5,000,000, such that the matter in controversy exceeds, exclusive of interest and costs, the sum of \$75,000. Therefore, this Court has original jurisdiction over this action.

4. Pursuant to 28 U.S.C. § 1446(d), Lindsay will (1) file a copy of this Notice of Removal with the Circuit Court for McMinn County, Tennessee, (2) provide prompt notice to Plaintiff of removal, and (3) file proof of all notices and filings with the Clerk of the United States District Court for the Eastern District of Tennessee. A copy of the Notice to be filed with the Circuit Court for McMinn County, Tennessee is attached hereto as Exhibit 2.

5. By filing this Notice of Removal, Lindsay does not waive any defense that may be available to it.

WHEREFORE, Lindsay gives notice that the above action now pending against it in the Circuit Court for McMinn County, Tennessee, has been removed therefrom to this Court.

Respectfully submitted,

BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ, P.C.

s/ Brigid M. Carpenter

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Transportation Solutions Sales & Service, LLC, and
Lindsay Transportation Solutions, Inc. f/k/a Barrier
Systems, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been
provided via electronic mail and U.S. Mail, postage prepaid to:

Theodore J. Leopold
Leslie M. Kroeger
Poorad Razavi
Cohen Milstein Sellers & Toll, PLC
2925 PGA Boulevard, Suite 200
Palm Beach Gardens, Florida 33410

Gregory F. Coleman
Adam A. Edwards
Justin Day
Greg Coleman Law PC
800 S. Gay Street, Suite 1100
Knoxville, Tennessee 37929

this 15th day of February, 2019.

s/ Brigid M. Carpenter

Brigid M. Carpenter